

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **GERALD J. TAITAGUE, M.D.**

5 Holder of License No. 26182  
6 For the Practice of Medicine  
In the State of Arizona.

Case No. MD-09-1495A

**ORDER FOR SURRENDER OF  
LICENSE AND CONSENT TO THE  
SAME**

7 Gerald J. Taitague M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Surrender of License; admits the  
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 26182 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-1495A after receiving notification  
17 that Respondent prescribed controlled substances in violation of a Board Order.

18 4. On June 4, 2009, Respondent entered into a Consent Agreement for Decree  
19 of Censure and Probation (Consent Agreement). Pursuant the Consent Agreement,  
20 Respondent was prohibited from prescribing, dispensing or administering any controlled  
21 substances for ten years. On November 10, 2009, Board Staff queried the Arizona  
22 Pharmacy Board's Controlled Substances Prescription Monitoring Program (CSPMP),  
23 which showed that Respondent had prescribed numerous controlled substances between  
24 July and November 2009 in violation of the Consent Agreement. Subsequently, Board  
25 Staff obtained copies of the prescriptions from the pharmacy that showed the prescriptions

1 were written on Respondent's prescription pad. The prescriptions were dated July 16,  
2 2009, August 19, 2009, September 14, 2009, and October 29, 2009 for #360 Oxycontin  
3 80mg to patient JH.

4 5. During an investigational interview with Board Staff on December 4, 2009,  
5 Respondent admitted to violating the Consent Agreement. On that same date,  
6 Respondent entered into an Interim Consent Agreement for Practice Restriction (Practice  
7 Restriction). Pursuant to the Practice Restriction, Respondent is prohibited from practicing  
8 clinical medicine and prescribing any form of treatment including prescription medications,  
9 until Respondent applies to the Board and receives permission to do so. On January 27,  
10 2010, Board Staff queried CSPMP, which showed that Respondent continued to prescribe  
11 medications after entering into the Practice Restriction.

12 6. Respondent admits to the acts described above and that they constitute  
13 unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order,  
14 probation, consent agreement or stipulation issued or entered into by the board or its  
15 executive director under this chapter").

#### 16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter hereof and over  
18 Respondent.

19 2. The Board possesses statutory authority to enter into a consent agreement  
20 with a physician and accept the surrender of an active license from a physician who  
21 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

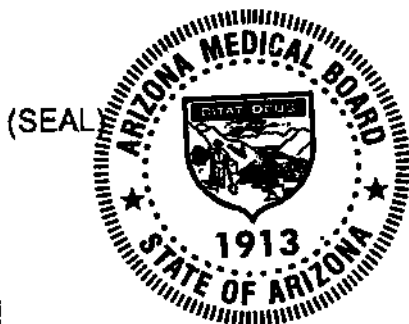
#### 22 **ORDER**

23 IT IS HEREBY ORDERED THAT Respondent immediately surrender License  
24 Number 26182, issued to Gerald J. Taitague, M.D. for the practice of allopathic medicine  
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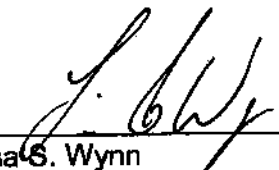
1 in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

2  
3 DATED and effective this 11<sup>TH</sup> day of FEBRUARY, 2010.

4 ARIZONA MEDICAL BOARD



7 By:

  
Lisa S. Wynn  
Executive Director

8  
9 **CONSENT TO ENTRY OF ORDER**

10 1. Respondent has read and understands this Consent Agreement and the  
11 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
12 acknowledges he has the right to consult with legal counsel regarding this matter.

13 2. Respondent acknowledges and agrees that this Order is entered into freely  
14 and voluntarily and that no promise was made or coercion used to induce such entry.

15 3. By consenting to this Order, Respondent voluntarily relinquishes any rights  
16 to a hearing or judicial review in state or federal court on the matters alleged, or to  
17 challenge this Order in its entirety as issued by the Board, and waives any other cause of  
18 action related thereto or arising from said Order.

19 4. The Order is not effective until approved by the Board and signed by its  
20 Executive Director.

21 5. All admissions made by Respondent are solely for final disposition of this  
22 matter and any subsequent related administrative proceedings or civil litigation involving  
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
24 or made for any other use, such as in the context of another state or federal government  
25

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy  
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the  
5 entry of the Order. Respondent may not make any modifications to the document. Any  
6 modifications to this original document are ineffective and void unless mutually approved  
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data  
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the  
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a  
14 defense that the Board's consideration of the Order constitutes bias, prejudice,  
15 prejudgment or other similar defense.

16   
17 GERALD J. TAITAGUE, M.D.

Dated: 1-29-10

18 EXECUTED COPY of the foregoing mailed by  
19 US Mail this 17th day of Feb., 2010 to:

20 Gerald J. Taitague, M.D.  
21 Address of Record

22 ORIGINAL of the foregoing filed this  
23 17th day of February, 2010 with:

24 The Arizona Medical Board  
25 9545 East Doubletree Ranch Road  
Scottsdale, AZ 85258

  
Arizona Medical Board Staff